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OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.			COFFY, EMMANUEL	
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ALEXANDRIA, VA 22314			PAPER NUMBER	

2157

DATE MAILED: 11/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/075,195

Applicant(s)

CLOUTIER ET AL.

Examiner

Emmanuel Coffy

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 February 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-41 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 14 November 2002.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. This action is responsive to the application filed on February 15, 2002. Claims 1-41 are pending. Claims 1-41 are directed to a method, and system for a "System, Method and Computer Program Product for an Irrevocable Right to USE (IRU) Modem Registration Process."

Specification

2. The Abstract of the disclosure is objected to because it begins with language that can be implied. Correction is required. See MPEP § 608.01 (b).

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes etc..." In this case the language: "A computer-implemented method, system and computer program product" can be implied.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting

directly or indirectly from an international application filed before November 29, 2000.

Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 1, 3-12, 16-17, 19- 24, 28 and 30-38 directed to a method, system and computer program product are rejected under 35 U.S.C. §102(e) as being anticipated by Schmuelling et al. (US 6,603,758.)

Schmuelling teaches the invention as claimed including methods and apparatus that allow cable customers who wish to add a cable modem (or other device) to a local network to choose both the cable modem through which they access the Internet and the Internet Service Provider (ISP) that will provide them that access. (See abstract.)

Claim 1.

Schmuelling teaches a method for registering an irrevocable right to use (IRU) in a network supporting one or more IRU service providers connected to the network, comprising the steps of: (See Fig. 1 and Fig. 3; col. 1, lines 49-55.)

locking onto one of an access network dynamic host configuration protocol (DHCP) server and an IRU DHCP server by a modem; (See col. 4, lines 53-67.)

determining if the modem is known by the one of the access network DHCP server and the IRU DHCP server; (See col. 8, line 44-col. 9, line 20.)

downloading service parameters to the modem if it is determined in the determining step that the modem is known; (See col. 9, lines 1-10.)

redirecting the modem to the access network DHCP server to download service parameters if the modem locked onto the IRU DHCP server in the locking step and it

was determined in the determining step that the modem was not known by the IRU DHCP server to be a known IRU modem; and (See col. 8, line 44-col. 9, line 20.)

redirecting the modem to the IRU DHCP server to download service parameters if the modem locked onto the access network DHCP server in the locking step and it was determined in the determining step that the modem was not known by the access network DHCP server to be a known access network modem. (See col. 8, line 44-col. 9, line 20.)

Claim 3.

Schmuelling teaches the method of claim 1 as discussed above, wherein: the network comprises an open access network managed by a network provider, and the irrevocable right to use is allocated to a third party. (See col. 3, lines 35-43 and Fig. 1.)

Claim 4.

Schmuelling teaches the method of claim 1 as discussed above, further comprising the following steps after the determining step and prior to the downloading step:

detecting a modem address of the modem if the modem locked onto the access network DHCP server in the locking step and it was determined in the determining step that the modem was not known by the access network DHCP server; (See col. 6, lines 44-col. 7, line 21 and col. 8, line 43-col. 9, line 10.)

storing the modem address in a digital repository; and (See col. 6, lines 44-col. 7, line 21 and col. 8, line 43-col. 9, line 10.)

ascertaining whether the modem address corresponds to a known IRU modem.

(See col. 6, lines 44-col. 7, line 21 and col. 8, line 43-col. 9, line 10.)

Claim 5.

Schmuelling teaches the method of claim 4 as discussed above, further comprising the following step prior to the ascertaining step: providing to an operator of the access network at least one of the modem address and other modem information through at least one of an electronic message and a manual message. (See col. 6, lines 44-col. 7, line 21 and col. 8, line 43-col. 9, line 10.)

Claim 6.

Schmuelling teaches the method of claim 4 as discussed above, further comprising the step of: redirecting the modem to the IRU DHCP server if it is determined in the ascertaining step that the modem corresponds to a known IRU modem. (See col. 6, lines 44-col. 7, line 21 and col. 8, line 43-col. 9, line 10.)

Claim 7.

Schmuelling teaches the method of claim 6 as discussed above, further comprising the step of:

resetting the modem with a temporary configuration file if it is determined in the ascertaining step that the modem does not correspond to a known IRU modem, wherein the temporary configuration file is configured to be used by the modem until the modem is successfully registered. (See col. 6, lines 44-col. 7, line 21 and col. 8, line 43-col. 9, line 10.)

Claim 8.

Schmuelling teaches the method method of claim 7 as discussed above , further

comprising the step of: reporting by an operator of the access network at least one of the modem address and other modem information to the IRU DHCP server after the modem address becomes a known IRU modem address. (See col. 6, lines 44-col. 7, line 21 and col. 8, line 43-col. 9, line 10.)

Claim 9.

Schmuelling teaches the method of claim 7 as discussed above, further comprising the step of: resetting the modem after the modem address becomes one of a known access network modem address and a known IRU modem address. (See col. 6, lines 44-col. 7, line 21 and col. 8, line 43-col. 9, line 10.)

Claim 10.

Schmuelling teaches the method of claim 6 as discussed above, wherein resetting the modem comprises using a simple network management command. (See col. 6, lines 44-col. 7, line 21 and col. 8, line 43-col. 9, line 10.)

Claim 11.

Schmuelling teaches the method of claim 1 as discussed above, wherein the service parameters are downloaded using at least one of a trivial file transfer protocol, a file transfer protocol, and another transfer utility. (See col. 6, lines 1-67.)

Claim 12.

Schmuelling teaches the method of claim 4 as discussed above, wherein the address comprises a media access control address. (See col. 2, lines 55-63.)

Claim 16.

A system for registering an irrevocable right to use (IRU) in a network supporting

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one or more IRU service providers connected to the network, comprising:

means for locking onto one of an access network dynamic host configuration protocol (DHCP) server and an IRU DHCP server by a modem; (See col. 4, lines 53-67.)

means for determining if the modem is known by the one of the access network DHCP server and the IRU DHCP server; (See col. 8, line 44-col. 9, line 20.)

means for downloading service parameters to the modem if it is determined in the determining step that the modem is known; (See col. 9, lines 1-10.)

means for redirecting the modem to the access network DHCP server to download service parameters if the modem locked onto the IRU DHCP server in the locking step and it was determined in the determining step that the modem was not known by the IRU DHCP server to be a known IRU modem; and (See col. 8, line 44-col. 9, line 20.)

means for redirecting the modem to the IRU DHCP server to download service parameters if the modem locked onto the access network DHCP server in the locking step and it was determined in the determining step that the modem was not known by the access network DHCP server to be a known access network modem. (See col. 8, line 44-col. 9, line 20.)

Claim 17.

Schmuelling teaches a system for registering an irrevocable right to use (IRU) in a network supporting one or more IRU service providers connected to the network, comprising: (See Fig. 1 and Fig. 3)

a processor; and (See Fig. 1 (316))

a computer readable medium encoded with processor readable instructions that when executed by the processor implement

an access network dynamic host configuration protocol (DHCP) server connection mechanism configured to be accessed by modems requesting access to the network, (See Fig. 1 (316))

an IRU DHCP server connection mechanism configured to be accessed by modems requesting access to the network, (See Fig. 3 (132))

an identification mechanism configured to determine if a modem connected to one of the access network DHCP server and the IRU DHCP server is known to the one of the access network DHCP server and the IRU DHCP server, (See Fig. 3 (132), col. 8, lines 43-63.))

a service parameter transfer mechanism configured to transfer service parameters to the modem if the identification mechanism determines that the modem is known to the one of the access network DHCP server and the IRU DHCP server, (See col. 6, lines 44-col. 7, line 21 and col. 8, line 43-col. 9, line 10.)

an access network DHCP server redirecting mechanism configured to redirect the modem to the access network DHCP server to download service parameters if the identification mechanism determines that the modem is not known to the IRU DHCP server as a known IRU modem, and (See col. 6, lines 44-col. 7, line 21 and col. 8, line 43-col. 9, line 10.)

an IRU DHCP server redirecting mechanism configured to redirect the modem to

the IRU DHCP server to download service parameters if the identification mechanism determines that the modem is not known to the access network DHCP server as a known access network modem. (See col. 6, lines 44-col. 7, line 21 and col. 8, line 43-col. 9, line 10.)

Claim 19.

Schmuelling teaches the system of claim 17, wherein: the network comprises an open access network managed by a network provider, and the irrevocable right to use is allocated to a third party. (See col. 3, lines 35-43.)

Claim 20.

Schmuelling teaches the system of claim 17 as discussed above, wherein the computer readable medium is further encoded with processor readable instructions that when executed by the processor further implements an end-user sign-in mechanism configured to detect an address of the modem if it was determined by the identification mechanism that the modem was not known by the access network DHCP server, store the modem address in a digital repository, and determine whether the modem address corresponds to a known IRU modem. (See col. 6, lines 44-col. 7, line 21 and col. 8, line 43-col. 9, line 10.)

Claim 21.

Schmuelling teaches the system of claim 20 as discussed above, wherein: the end-user sign-in mechanism is further configured to reset the modem if it is determined that the modem address does not correspond to a known IRU modem, report the modem address to the IRU DHCP server, and reset the modem if it is determined that

the modem address corresponds to a known IRU modem. (See col. 6, lines 44-col. 7, line 21 and col. 8, line 43-col. 9, line 10.)

Claim 22.

Schmuelling teaches the system of claim 21 as discussed above, wherein resetting the modem comprises using a simple network management command. (See col. 6, lines 44-col. 7, line 21 and col. 8, line 43-col. 9, line 10.)

Claim 23.

Schmuelling teaches the system of claim 17 as discussed above, wherein the service parameters are downloaded using at least one of a trivial file transfer protocol, a file transfer protocol, and another transfer utility. (See col. 6, lines 1-67.)

Claim 24.

Schmuelling teaches the system of claim 20 as discussed above, wherein the address comprises a media access control address. (See col. 2, lines 55-63.)

Claim 28.

Schmuelling teaches a computer program product, comprising:

a computer storage medium; and

a computer program code mechanism embedded in the computer storage medium for causing a processor to register an irrevocable right to use (IRU) in a network supporting one or more IRU service providers connected to the network, the computer program code mechanism having,

a first computer code device configured be accessed as an access network dynamic host configuration protocol (DHCP) server by modems requesting access to

the network, (See Fig. 1 (316))

a second computer code device configured to be accessed as an IRU DHCP server by modems requesting access to the network, (See Fig. 1 (316))

a third computer code device configured to determine if a modem connected to one of the access network DHCP server and the IRU DHCP server is known to the one of the access network DHCP server and the IRU DHCP server, (See col. 8, line 44-col. 9, line 20.)

a fourth computer code device configured to transfer service parameters to the modem if the third computer code device determines that the modem is known to the one of the access network DHCP server and the IRU DHCP server, (See col. 9, lines 1-10.)

a fifth computer code device configured to redirect the modem to the access network DHCP server to download service parameters if the third computer code device determines that the modem is not known to the IRU DHCP server as an IRU modem, and a sixth computer code device configured to redirect the modem to the IRU DHCP server to download service parameters if the third computer code device determines that the modem is not known to the access network DHCP server as an access network modem. (See col. 8, line 44-col. 9, line 20.)

Claim 30.

Schmuelling teaches the computer program product of claim 28 as discussed above, wherein: the network comprises an open access network managed by a network provider, and the irrevocable right to use is allocated to a third party. (See col. 3, lines

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35-43 and Fig. 1.)Claim 31.

Schmuelling teaches the computer program product of claim 28 as discussed above, wherein the computer program code mechanism further includes a seventh computer code device configured to detect a modem address of the modem if it was determined by the third computer code device that the modem was not known by the access network DHCP server, store the modem address in a digital repository, and determine whether the modem address corresponds to a known IRU modem. (See col. 6, lines 44-col. 7, line 21 and col. 8, line 43-col. 9, line 10.)

Claim 32.

Schmuelling teaches the computer program product of claim 31 as discussed above, wherein: the seventh computer code device is further configured to redirect the modem to the IRU DHCP server if it is determined that the modem address corresponds to a known IRU modem. (See col. 6, lines 44-col. 7, line 21 and col. 8, line 43-col. 9, line 10.)

Claim 33.

Schmuelling teaches the computer program product of claim 32 as discussed above, wherein: the seventh computer code is further configured to reset the modem with a temporary configuration file if it is determined that the modem does not correspond to a known IRU modem. (See col. 6, lines 44-col. 7, line 21 and col. 8, line 43-col. 9, line 10.)

Claim 34.

Schmuelling teaches the computer program product of claim 33 as discussed above, wherein: the seventh computer code is further configured to report the modem address to the IRU DHCP server after the modem address becomes a known modem address. (See col. 6, lines 44-col. 7, line 21 and col. 8, line 43-col. 9, line 10.)

Claim 35.

Schmuelling teaches the computer program product of claim 33 as discussed above, wherein: the seventh computer code is further configured to reset the modem after the modem address becomes one of a known access network modem address and a known IRU modem address. (See col. 6, lines 44-col. 7, line 21 and col. 8, line 43-col. 9, line 10.)

Claim 36.

Schmuelling teaches the computer program product of claim 32 as discussed above, wherein resetting the modem (See col. 6, lines 44-col. 7, line 21 and col. 8, line 43-col. 9, line 10.)

Claim 37.

Schmuelling teaches the computer program product of claim 28 as discussed above, wherein the service parameters are downloaded using at least one of a trivial file transfer protocol, a file transfer protocol, and another transfer utility. (See col. 6, lines 1-67.)

Claim 38. The computer program product of claim 31, wherein the address comprises a media access control address. (See col. 2, lines 55-63.)

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2, 13-15, 18, 25-27, 29 and 39-41 are rejected under 35 U.S.C. §103(a) as being unpatentable over Schmuelling '758 in view of Enns et al. (US 6,785,288.)

Claim 2.

Schmuelling substantially teaches the method of claim 1 as discussed above. Schmuelling does not teach "wherein the irrevocable right to use comprises a specified allocation of at least one of an upstream bandwidth and a downstream bandwidth." However, Enns does. See col. 4, lines 40-49.

Hence, it would have been obvious at the time of the invention for an artisan of ordinary skill in the art to combine the system for supporting multiple internet service providers (ISP) on a single network disclosed by Schmuelling with the high speed internet access system as taught by Enns.

This system would allow packet based control flexibility in assigning configuration parameters and bandwidth utilization through provision of a downloadable network operating software from a network management center to multiple remote devices.

Claim 13.

Schmuelling substantially teaches the method of claim 1 as discussed above.

Schmuelling does not teach "wherein the service parameters are stored in a memory of the modem." However, Enns does. See Fig.1 (22) and (26)).

Hence, it would have been obvious at the time of the invention for an artisan of ordinary skill in the art to combine the system for supporting multiple internet service providers (ISP) on a single network disclosed by Schmuelling with the high speed internet access system as taught by Enns.

This system would permit independent scalability of upstream and downstream capacity in an asymmetric system.

Claim 14.

Schmuelling substantially teaches the method of claim 13 as discussed above, Schmuelling does not teach "wherein the memory comprises a management information base of the modem."

However, Enns does. See Fig.1 (22) and (26)). Hence, it would have been obvious at the time of the invention for an artisan of ordinary skill in the art to combine the system for supporting multiple internet service providers (ISP) on a single network disclosed by Schmuelling with the high speed internet access system as taught by Enns. This system would permit independent scalability of upstream and downstream capacity in an asymmetric system.

Claim 15.

Schmuelling substantially teaches the method of claim 1 as discussed above.

Schmuelling does not teach "wherein the service parameters comprise at least one of a downstream frequency and an upstream frequency."

However, Enns does. See col. 4, lines 40-49. Hence, it would have been obvious at the time of the invention for an artisan of ordinary skill in the art to combine the system for supporting multiple internet service providers (ISP) on a single network disclosed by Schmuelling with the high speed internet access system as taught by Enns.

This system would allow packet based control flexibility in assigning configuration parameters and bandwidth utilization through provision of a downloadable network operating software from a network management center to multiple remote devices.

Claim 18.

Schmuelling substantially teaches the method of claim 17 as discussed above. Schmuelling does not teach "wherein the irrevocable right to use comprises a specified allocation of at least one of an upstream bandwidth and a downstream bandwidth." However, Enns does. See col. 4, lines 40-49.

Hence, it would have been obvious at the time of the invention for an artisan of ordinary skill in the art to combine the system for supporting multiple internet service providers (ISP) on a single network disclosed by Schmuelling with the high speed internet access system as taught by Enns.

This system would allow packet based control flexibility in assigning configuration parameters and bandwidth utilization through provision of a downloadable network operating software from a network management center to multiple remote devices.

Claim 25.

Schmuelling substantially teaches the system of claim 17 as discussed above,

Schmuelling does not teach "wherein the service parameters are stored in a memory of the modem."

However, Enns does. See Fig.1 (22) and (26)). Hence, it would have been obvious at the time of the invention for an artisan of ordinary skill in the art to combine the system for supporting multiple internet service providers (ISP) on a single network disclosed by Schmuelling with the high speed internet access system as taught by Enns. This system would permit independent scalability of upstream and downstream capacity in an asymmetric system.

Claim 26.

Schmuelling substantially teaches the system of claim 25 as discussed above, Schmuelling does not teach "wherein the memory comprises a management information base of the modem."

However, Enns does. See Fig.1 (22) and (26)). Hence, it would have been obvious at the time of the invention for an artisan of ordinary skill in the art to combine the system for supporting multiple internet service providers (ISP) on a single network disclosed by Schmuelling with the high speed internet access system as taught by Enns. This system would permit independent scalability of upstream and downstream capacity in an asymmetric system.

Claim 27.

Schmuelling substantially teaches the method of claim 17 as discussed above. Schmuelling does not teach "wherein the service parameters comprise at least one of a downstream frequency and an upstream frequency." However, Enns does. See col. 4,

lines 40-49.

Hence, it would have been obvious at the time of the invention for an artisan of ordinary skill in the art to combine the system for supporting multiple internet service providers (ISP) on a single network disclosed by Schmuelling with the high speed internet access system as taught by Enns.

This system would allow packet based control flexibility in assigning configuration parameters and bandwidth utilization through provision of a downloadable network operating software from a network management center to multiple remote devices.

Claim 29.

Schmuelling substantially teaches the method of claim 28 as discussed above. Schmuelling does not teach "wherein the irrevocable right to use comprises a specified allocation of at least one of an upstream bandwidth and a downstream bandwidth." However, Enns does. See col. 4, lines 40-49.

Hence, it would have been obvious at the time of the invention for an artisan of ordinary skill in the art to combine the system for supporting multiple internet service providers (ISP) on a single network disclosed by Schmuelling with the high speed internet access system as taught by Enns.

This system would allow packet based control flexibility in assigning configuration parameters and bandwidth utilization through provision of a downloadable network operating software from a network management center to multiple remote devices.

Claim 39.

Schmuelling substantially teaches the computer program product of claim 28 as

discussed above, Schmuelling does not teach "wherein the service parameters are stored in a memory of the modem."

However, Enns does. See Fig.1 (22) and (26)). Hence, it would have been obvious at the time of the invention for an artisan of ordinary skill in the art to combine the system for supporting multiple internet service providers (ISP) on a single network disclosed by Schmuelling with the high speed internet access system as taught by Enns. This system would permit independent scalability of upstream and downstream capacity in an asymmetric system.

Claim 40.

Schmuelling substantially teaches the computer program product of claim 39 as discussed above, Schmuelling does not teach "wherein the memory comprises a management information base of the modem."

However, Enns does. See Fig.1 (22) and (26)). Hence, it would have been obvious at the time of the invention for an artisan of ordinary skill in the art to combine the system for supporting multiple internet service providers (ISP) on a single network disclosed by Schmuelling with the high speed internet access system as taught by Enns. This system would permit independent scalability of upstream and downstream capacity in an asymmetric system.

Claim 41.

Schmuelling substantially teaches the computer program product of claim 28 as discussed above. Schmuelling does not teach "wherein the service parameters

comprise at least one of a downstream frequency and an upstream frequency.”

However, Enns does. See col. 4, lines 40-49.

Hence, it would have been obvious at the time of the invention for an artisan of ordinary skill in the art to combine the system for supporting multiple internet service providers (ISP) on a single network disclosed by Schmuelling with the high speed internet access system as taught by Enns.

This system would allow packet based control flexibility in assigning configuration parameters and bandwidth utilization through provision of a downloadable network operating software from a network management center to multiple remote devices.

CONCLUSION

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Sawyer et al. (U.S. 6,765,925) teaches “Apparatus And Method Of Maintaining State In a Data Transmission System.”
- Massarani (US 6,393,484) teaches System and Method for Controlled Access to Shared-Medium Public and Semi-Public Internet Protocol (IP) Networks.

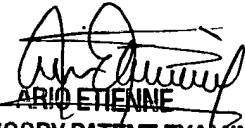
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Emmanuel Coffy whose telephone number is (571) 272-3997. The examiner can normally be reached on 8:30 - 5:00 P.M.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-3997. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Emmanuel Coffy
Patent Examiner
Art Unit 2157

EC
September 15, 2005


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